

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
FEBRUARY 12, 1996
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Deputy Mayor Stallings at 2:07 p.m.

Deputy Mayor Stallings adjourned the meeting at 4:20 p.m. into Closed Session on Tuesday, February 13, 1996, at 9:00 a.m., in the twelfth floor conference room to discuss existing and anticipated litigation matters.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Golding-not present
- (1) Council Member Mathis-present
- (2) Council Member Wear-present
- (3) Council Member Kehoe-present
- (4) Council Member Stevens-present
- (5) Council Member Warden-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present
- Clerk-Fishkin (ms)

ITEM-1: ROLL CALL

Clerk Fishkin called the roll:

- (M) Mayor Golding-not present

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- (1) Council Member Mathis-present
- (2) Council Member Wear-present
- (3) Council Member Kehoe-present
- (4) Council Member Stevens-present
- (5) Council Member Warden-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present

ITEM-10: INVOCATION

The invocator did not show up.

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Warden.

PUBLIC COMMENT:

ITEM-PC-1:

Comment by Don Stillwell regarding "What Is Money".

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A026-051.)

ITEM-PC-2:

Comment by Art Salzberg regarding providing shelters for the homeless.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A052-076.)

COUNCIL COMMENT:

ITEM-CC-1:

Councilmember Wear thanked the People for Trees who planted 72 trees along Broadway from 10th Avenue to I-5 this weekend. Over 500 people participated and it is just the beginning.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A078-083.)

ITEM-CC-2:

Councilmember Warden thanked all of San Diego for the Buick Invitational Golf Tournament which was a wonderful event. She especially thanked John Walter and the group at Torrey Pines for working to make this a special time.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A084-090.)

ITEM-CC-3:

Councilmember Vargas thanked Councilmembers Mathis and Stevens for joining him in Otay Mesa today for the opening of Fire Station No. 43.

It is a fantastic station that will give us service for many years.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A090-102.)

ITEM-CC-4:

Councilmember Stallings said she received an award today, on behalf of the Mayor and City Council, at La Costa where the tennis tournament for the Davis Cup is being held. The International Tennis Hall of Fame has named San Diego the City of the Year. She thanked them for honoring San Diego.

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FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A102-112.)

ITEM-30:

Approval of Council Minutes for the Meetings of:

01/22/96 Adjourned

01/23/96 Adjourned

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A208-218)

MOTION BY KEHOE TO APPROVE. Second by Warden. Passed by
the following vote: Mathis-yea, Wear-yea, Kehoe-yea,
Stevens-yea, Warden-yea, Stallings-yea, McCarty-not present,
Vargas-yea, Mayor Golding-not present.

ITEM-31:

SUBJECT: San Diego Hall of Champions Day.

COUNCILMEMBER MATHIS'S RECOMMENDATION:

Adopt the following resolution:

(R-96-887) ADOPTED AS RESOLUTION R-286903

Congratulating the Hall of Champions on 50 years of
successful programs and support of the region's
professional and amateur athletes;

Proclaiming February 13, 1996 to be "San Diego Hall of
Champions Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A220-526.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-32:

SUBJECT: Joseph Schloss Day.

COUNCILMEMBER KEHOE'S RECOMMENDATION:

Adopt the following resolution:

(R-96-729 Cor.Copy) ADOPTED AS RESOLUTION R-286904

Recognizing the outstanding contributions that Joseph Schloss has made to improving the lives of people living in North Park and throughout the City of San Diego;

Proclaiming February 12, 1996 to be "Joseph Schloss Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A114-158; A208-218.)

MOTION BY KEHOE TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-not present, Vargas-yea, Mayor Golding-not present.

ITEM-33:

SUBJECT: La Jolla Chamber Music Society Day.

DEPUTY MAYOR STALLINGS'S RECOMMENDATION:

Adopt the following resolution:

(R-96-885) ADOPTED AS RESOLUTION R-286905

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Supporting the efforts of the La Jolla Chamber Music Society to encourage and promote the limitless educational potential of classical music for the children of San Diego;

Proclaiming February 12, 1996 to be "La Jolla Chamber Music Society Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A160-218.)

MOTION BY KEHOE TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-not present, Vargas-yea, Mayor Golding-not present.

* ITEM-50:

SUBJECT: Rezoning Property Located in the Stonecrest Specific Plan Area.

(Case-95-0204. Kearny Mesa Community Area.
District-6.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 1/30/96. (Council voted 9-0):

(O-96-78) ADOPTED AS ORDINANCE O-18258 (New Series)

Rezoning property located south of Aero Drive and west of Interstate 15, in the Stonecrest Specific Plan Area to the R1-40000 and R-1500 Zones.

FILE LOCATION: ZONE-Ord No. 18258

COUNCIL ACTION: (Tape location: A220-526.)

CONSENT MOTION BY KEHOE TO DISPENSE WITH THE READING AND ADOPT ORDINANCE. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor

Golding-not present.

* ITEM-51:

SUBJECT: Canceling the Stonecrest Development Agreement and the
First Amendment to the Stonecrest Development
Agreement.

(District-6.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on
1/30/96. (Council voted 9-0):

(O-96-79) ADOPTED AS ORDINANCE O-18259 (New Series)

Canceling the Stonecrest Development Agreement
(Document No. 00-17212, adopted on 1/9/89) and the
First Amendment to the Stonecrest Development Agreement
(Document No. 00-18003, adopted on 10/25/93).

FILE LOCATION: DEV'L-Stonecrest Development Agreement

COUNCIL ACTION: (Tape location: A220-526.)

CONSENT MOTION BY KEHOE TO DISPENSE WITH THE READING AND
ADOPT ORDINANCE. Second by Warden. Passed by the following
vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea,
Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor
Golding-not present.

* ITEM-52:

SUBJECT: Proposal to Renew Airtouch Cellular Lease at Encanto
Reservoir.

(Skyline Community Area. District-4.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on
1/29/96. (Council voted 9-0):

(O-96-100) ADOPTED AS ORDINANCE O-18260 (New Series)

Authorizing the execution of a five-year lease
agreement with three five-year options to renew, with
Airtouch Cellular, for approximately 1,200 square feet
of space at the Encanto standpipe.

FILE LOCATION: LEAS-Airtouch Cellular LEASFY96-1

COUNCIL ACTION: (Tape location: A220-526.)

CONSENT MOTION BY KEHOE TO DISPENSE WITH THE READING AND
ADOPT ORDINANCE. Second by Warden. Passed by the following
vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea,
Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor
Golding-not present.

* ITEM-53:

SUBJECT: Lease with the U.S. Department of Justice for the
Installation of Light Poles.

(Otay Mesa Community Area. District-8.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on
1/29/96. (Council voted 9-0):

(O-96-102) ADOPTED AS ORDINANCE O-18261 (New Series)

Authorizing a 10-year lease agreement, with options for
an additional 10 years, with the U.S. Department of
Justice for the use of a portion of City-owned land
along the U.S. Border with Mexico for installation of
light poles for the Border Patrol's "Gatekeeper"
project.

FILE LOCATION: LEAS-U.S. Department of Justice
LEASFY96-1

COUNCIL ACTION: (Tape location: A220-526.)

CONSENT MOTION BY KEHOE TO DISPENSE WITH THE READING AND
ADOPT ORDINANCE. Second by Warden. Passed by the
following vote: Mathis-yea, Wear-yea, Kehoe-yea,
Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea,
Vargas-yea, Mayor Golding-not present.

* ITEM-54: RETURNED TO CITY MANAGER

SUBJECT: Purchase of Service Credit - One-Half and Three-Quarter
Time Employees.

RETIREMENT BOARD'S RECOMMENDATION:

Introduce the following ordinance:

(O-96-105)

Introduction of an Ordinance amending Chapter II,
Article 4, Division 13, of the San Diego Municipal Code
by adding Section 24.1313, relating to the ability of a
salaried part-time member of the San Diego City
Employees' Retirement System to Purchase Service Credit
in the Retirement System.

SUPPORTING INFORMATION:

Several salaried one-half and three-quarter time employees have
made requests to the San Diego City Employees' Retirement System
(SDCERS) to purchase the remainder of their part-time service to
receive a full year of service credit for each year of part-time
service worked. The SDCERS Board of Administration has discussed
this issue and recommends to the City Council that a salaried
part-time member of the System be eligible, after ten years of
service with the City, and upon payment of the employee and
employer contributions that would have been made, including
interest, as determined by the Board, to purchase service credit
for the remainder of the member's part-time service for which
contributions were not made to allow the member to receive a full
year of service credit for each year of part-time service worked.
Purchase of service credit requests are currently permitted in
the following categories: Six month probationary period (SDMC

Section 24.1302); Previous City Service (SDMC Section 24.1303); Purchase for Part-Time or Hourly Service Prior to Membership (SDMC Section 24.1304); Purchase of Service Credit Upon Reinstatement (SDMC Section 24.1305; Approved Leaves of Absences (SDMC Section 24.1307); Office or Employee not Previously Within the Field of Membership (SDMC Section 24.1308); Military Service (SDMC Section 24.1309); and Redeposit of Withdrawn Contributions (SDMC Section 24.1306). Salaried part-time members have asserted that it is unfair, inequitable and unjust that members who terminate City service and are later re-employed may purchase their break-in-service pursuant to SDMC Section 24.1305 while salaried part-time members who continue to serve the City on a part-time basis are not allowed to purchase the remainder of their part-time service. The sole authority to create this benefit rests with the City Council, subject to approval by members of SDCERS pursuant to Charter Section 143.1. The Board of Administration has reviewed the proposed amendment to Division 13 establishing this benefit and recommends approval.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A220-526.)

CONSENT MOTION BY KEHOE TO RETURN TO CITY MANAGER AT HIS REQUEST FOR FURTHER DISCUSSION . Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-55: INTRODUCED, TO BE ADOPTED MARCH 4, 1996

SUBJECT: Amending the Permanent Rules in the Municipal Code to change the Standing Committees Names.

(See Legislative Specialist Analysis RULES-96-1.)

INTERGOVERNMENTAL RELATIONS' RECOMMENDATION:

Introduce the following ordinance:

(O-96-98)

Introduction of an Ordinance amending the San Diego

Municipal Code by amending Chapter II, Article 2, Sections 22.0101, 22.0207 and 22.2101, Chapter III, Article 3, Section 33.0502, Chapter IV, Article 3, Section 43.0312, 43.0314, Chapter VI, Article 3, Section 63.0201, Chapter VIII, Article 5, Section 85.06, Chapter IX, Article 1, Section 91.0204, Chapter X, Article 1, Section 101.0518, relating to Name Changes to the Standing Committees of the City Council, as follows:

1. Committee on Rules, Finance and Intergovernmental Relations (formerly the Committee on Rules, Legislation and Intergovernmental Relations).
2. Committee on Natural Resources and Culture (formerly Public Facilities and Recreation).
3. Committee on Land Use and Housing (formerly Transportation and Land Use).
4. Committee on Public Safety and Neighborhood Services (formerly Public Services and Safety).

RULES COMMITTEE'S RECOMMENDATION:

On 1/29/96, RULES voted 5-0 to make permanent the names established for the temporary name changes to the Standing Committees, with the exception of changing the name of the Committee on Natural Resources, Culture and the Arts, to the Committee on Natural Resources and Culture. (Councilmembers Mathis, Kehoe, Warden, Stallings, and Mayor Golding voted yea.)

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: C410-563.)

MOTION BY WARDEN TO INTRODUCE THE ORDINANCE. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

* ITEM-100:

SUBJECT: City Council Policy on Volunteers.

(See City Manager Report CMR-96-03.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-96-782) ADOPTED AS RESOLUTION R-286906

Establishing Council Policy No. 300-01 regarding
Utilization of Volunteers.

RULES COMMITTEE'S RECOMMENDATION:

On 1/29/96 RULES voted 5-0 to approve the draft policy on City
Volunteers. (Councilmembers Mathis, Kehoe, Warden, Stallings and
Mayor Golding voted yea.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A220-526.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Warden. Passed
by the following vote: Mathis-yea, Wear-yea, Kehoe-yea,
Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea,
Vargas-yea, Mayor Golding-not present.

* ITEM-101:

SUBJECT: Water Transfer Agreement between the County Water
Authority (CWA) and the Imperial Irrigation District
(IID).

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-96-817) ADOPTED AS RESOLUTION R-286907

Declaring that the City Council supports the ongoing
efforts of the CWA and the IID to develop, for
consideration by their respective communities and Board
of Directors, an agreement under which the IID would
make available, and the CWA would purchase, Conserved
Water, on mutually acceptable terms.

NATURAL RESOURCES, CULTURE AND THE ARTS COMMITTEE'S
RECOMMENDATION:

On 1/10/96, NRC&A voted 5-0 to direct the City Attorney to prepare a resolution by the City Council to the San Diego CWA in support of the San Diego CWA's efforts to ensure a safe, reliable, and sufficient supply of imported water as pursued through the CWA's negotiations with the IID. The committee also directed that the resolution express the City Council's approval of the ongoing efforts of the CWA and the IID to develop, for consideration by their respective communities and Board of Directors, an agreement under which the IID would make available conserved water and the CWA would agree to purchase the use of such water on mutually acceptable terms. (Councilmembers Mathis, Kehoe, Warden, Stallings and McCarty voted yea.)

SUPPORTING INFORMATION:

In support of the San Diego CWA's efforts to ensure a safe, reliable, and sufficient supply of imported water as pursued through the CWA's negotiations with the IID. The Resolution is to express the City Council's approval of the ongoing efforts of the CWA and the IID to develop, for consideration by their respective communities and Boards of Directors, an agreement under which the IID would make available conserved water and the CWA would agree to purchase the use of such water on mutually acceptable terms.

FILE LOCATION: MEET CONFY96-1

COUNCIL ACTION: (Tape location: A220-526.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

* ITEM-102:

SUBJECT: Alley Dedication and Water Easement - Lot 11, Block 15
of Sunset Cliffs.

(Peninsula Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-853) ADOPTED AS RESOLUTION R-286908

Accepting the grant deed of Gordon Kovton, granting to the City an easement for an alley in Lot 11, Block 15 of Sunset Cliffs, Map-1889; dedicating the same as a public alley;

Accepting a grant deed of Gordon Kovton, conveying to the City an easement for water facilities in Lot 11, Block 15 of Sunset Cliffs, Map-1889.

FILE LOCATION: DEED F-6666 DEEDFY96-2

COUNCIL ACTION: (Tape location: A220-526.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

* ITEM-103:

SUBJECT: Alley Dedication - Portion of Lot 9, Block 12, Grantville and Outlots.

(Navajo Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-854) ADOPTED AS RESOLUTION R-286909

Accepting the grant deed of Dale A. Worm, Trustee of the Dale A. Worm Family Trust, granting to the City an easement for an alley in a portion of Lot 9, Block 12 of Grantville and Outlots, Map-776; dedicating the same as a public alley.

FILE LOCATION: DEED F-6667 DEEDFY96-1

COUNCIL ACTION: (Tape location: A220-526.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Warden. Passed

by the following vote: Mathis-yea, Wear-yea, Kehoe-yea,
Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea,
Vargas-yea, Mayor Golding-not present.

* ITEM-104:

SUBJECT: Community Policing to Combat Domestic Violence Grant
Application.

(Operates in District-2; serves all Council and
Supervisory Districts.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-823) ADOPTED AS RESOLUTION R-286910

Authorizing the City Manager to apply for, accept and
expend the grant from the United States Department of
Justice;

Declaring that should the proposal be selected for
funding by the United States Department of Justice, the
authority of the City Manager shall explicitly include
the authority to enter into a contract agreement with
the YWCA of San Diego County Domestic Violence Services
to operate and house the program under the program and
budget terms and conditions contained in the approved
grant proposal;

Authorizing the City Manager to execute all aspects of
program operation including any amendments, extensions,
renewals, or future funding for this program for a
period of up to five years, provided funding is made
available by the United States Department of Justice.

CITY MANAGER SUPPORTING INFORMATION:

1) Under the Crime Act of 1994, the Office of Community Oriented
Policing Services (COPS) and the Office of the Violence Against
Women Act (VAWA) have formed an alliance to fund grant programs
which implement community policing strategies to combat domestic

violence. Only law enforcement agencies may apply, and the program requires partnership with a non-profit direct service provider documented by a Memorandum of Understanding. In addition, applications must conform to specific service categories and priority areas. 2) An ad hoc committee comprised of representation from the San Diego Domestic Violence Council (which is representative of virtually every agency in San Diego County providing services to domestic violence victims, their families, and perpetrators); the Center for Women's Studies and Services; the YWCA of San Diego County Domestic Violence Services Division; and the San Diego Police Department Domestic Violence Section was formed to identify the most useful, comprehensive and critical plan for use of grant funds. 3) The committee unanimously determined that a toll-free clearinghouse information network is the most critical priority which meets grant program requirements, and that such a program was best operated entirely out of a community based agency which has existing 24 hour staffing and is centrally located. 4) The committee unanimously agreed that the YWCA of San Diego County Domestic Violence Services Division (YWCA/DVS) is the most appropriate agency to house and operate the clearinghouse information network program. 5) YWCA/DVS personnel have agreed to act as sub-contractor for all grant funds and operations. If selected for funding, the City will enter into a contract agreement with YWCA/DVS as sub-contractor for all grant funds and operations. 6) If selected for funding, the grant will provide one Program Coordinator; four Information Specialists (providing 24 hour/365 day coverage); two-line toll-free telephone installation and service; a computer system consultant; a central file server and workstation at the YWCA; modems and computer workstation connections at each of the other three major domestic violence shelters in San Diego County; and miscellaneous supplies and expenses. YWCA/DVS will house the program; design and purchase all necessary hard and software; select, hire, train and supervise all employees; manage all day to day program operations; prepare required progress reports; and invoice the City for grant funds for services provided. 7) The City will provide assistance and support in program and system design and operations; monitor program progress; review invoices and provide fund reimbursement; prepare all financial reports and requests for reimbursement to the COPS Office; and include grant funds in the yearly single audit. 8) The network clearinghouse will save hundreds of hours for law enforcement officers, community service providers, victims and their friends and families who must currently call every potential service in the county to locate assistance and ascertain availability.

Aud. Cert. 9600711.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A220-526.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Warden. Passed
by the following vote: Mathis-yea, Wear-yea, Kehoe-yea,
Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea,
Vargas-yea, Mayor Golding-not present.

ITEM-105:

SUBJECT: Removal of Architectural Barriers for the Disabled -
Contract No. 36.

(Districts-2,3,6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-840) ADOPTED AS RESOLUTION R-286911

Authorizing the reprogramming of \$8,201.01 from CDBG
Fund No. 18525, Dept. No. 5887, Org. No. 8701 and
\$2,940 from CDBG Fund No. 18527, Dept. No. 4018, Org.
No. 1801 and \$10,851.99 from CDBG Fund No. 18528, Dept.
No. 4048, Org. No. 2801 to CDBG Fund No. 18529, Dept.
4048, Org. No. 4802;

Authorizing the expenditure of an amount not to exceed
\$57,200 from CIP-52-243, CDBG Fund No. 18529, for the
construction of Removal of Architectural Barriers for
the Disabled - Contract No. 36 and related costs;

Authorizing the Auditor and Comptroller to transfer
excess funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

Capital Improvement Project CIP-52-243 provides for the design
and construction of wheel chair ramps. The ramps are required

because persons with disabilities, and many senior citizens find their mobility restricted by curbs which they find difficult or impossible to negotiate. Subcommittee for the Removal of Access Barriers (SCRAB) discussed location of pedestrian ramps in their meeting and recommended the pedestrian ramps in this contract to be first for construction.

Aud. Cert. 9600764.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C563-600.)

MOTION BY STEVENS TO ADOPT. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

* ITEM-106:

SUBJECT: San Ysidro Revitalization Project.

(San Ysidro Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-874) ADOPTED AS RESOLUTION R-286912

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$15,000 from Fund 30245, Capital Outlay - Sales Tax Fund, CIP-37-028.0, Annual Allocation - Undergrounding of City Utilities to CIP-36-060.0, San Ysidro Revitalization Project;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$15,000 from Fund 30300, Trans Net Proposition A, CIP-52-521.0, Annual Allocation - Street Enhancement & Revitalization to CIP-37-028.0, Annual Allocation - Undergrounding of City Utilities;

Authorizing the expenditure of not to exceed \$15,000 from CIP-36-060.0, to fund change orders, professional services and related engineering costs;

Authorizing the City Auditor and Comptroller, upon advice from the Administering Department, to transfer funds to the appropriate reserve, provided that the City Auditor first furnishes a certificate demonstrating that the funds necessary for the expenditure are, or will be, on deposit in the City Treasury.

CITY MANAGER SUPPORTING INFORMATION:

The project provides for the renovation of the old Southern Area Police Station, at 663 San Ysidro Boulevard, for use as a community center and offices for various services emphasizing economic development, redevelopment, and revitalization in the San Ysidro community. The project construction was recently completed and has resulted in a quality finished product which will accommodate a police store front, office space for the City of San Diego Redevelopment Program, the San Ysidro Chamber of Commerce and other community organizations in the San Ysidro area. Funding is needed to pay for additional construction costs which have accrued against the project. This action would provide for \$15,000 in supplemental funding to pay for additional construction changes and architectural fees which were necessary in order to complete the project. Asbestos was discovered in this building and abatement was required although it was not accounted for in the initial budget. This item alone used up nearly all of the contingency costs which are typically used to pay for construction changes and modifications. As is typical with the remodel of an older building, there were several items of additional work which were required for the successful completion of the project. Items such as electrical junction boxes inside walls which were removed, hidden conduits found to be corroded beyond repair, and plumbing inside of walls which, once revealed, had to be redone, because it was not in the configuration shown on the existing plans, are examples of what was encountered in this remodel. Because the contractor bids the job based on what is known or assumed to be known, such discrepancies require compensation where additional work is required by the contractor. In this project, many such discrepancies, including the examples given, were discovered and required additional work. Additional architectural fees are required to pay for the project plans to be "As-Built" since this was not included in the original Consultant Agreement.

Aud. Cert. 9600792.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A220-526.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

* ITEM-107:

SUBJECT: Settlement of the Property Damage Claim of Rancho Sorrento Association.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-814) ADOPTED AS RESOLUTION R-286913

A Resolution approved by the City Council in Closed Session on Tuesday, January 16, 1996 by the following vote: Mathis-yea; Wear-yea; Kehoe-yea; Stevens-yea; Warden-yea; Stallings-yea; McCarty-yea; Vargas-yea; Mayor-yea.

Authorizing the City Manager to pay the total sum of \$1,750,000 in the settlement of each and every claim against the City, its agents and employees, resulting from the alleged pre-condemnation damages, as more fully described in the Plaintiff's complaint; (Superior Court Case No. 648493, Rancho Sorrento Associates IV v. City of San Diego, et al.);

Authorizing the City Auditor and Comptroller to issue one check in the total amount of \$1,750,000 made payable to Chicago Title Company, Account No. 12351-50751, in full settlement of the lawsuit and all claims.

CITY MANAGER SUPPORTING INFORMATION:

This constitutes the complete and final settlement of the Property Damage Claim of Rancho Sorrento Association against the City of San Diego, its agents and employees, as a result of an incident which occurred on September 1, 1988.

Aud. Cert. 9600762.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A220-526.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Warden. Passed
by the following vote: Mathis-yea, Wear-yea, Kehoe-yea,
Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea,
Vargas-yea, Mayor Golding-not present.

* ITEM-108:

SUBJECT: Union Ushers Board State of California Day.

COUNCILMEMBER STEVENS'S RECOMMENDATION:

Adopt the following resolution:

(R-96-849) ADOPTED AS RESOLUTION R-286914

Commending the Union Ushers Board for their commitment
and devotion;

Proclaiming February 25, 1996 to be "Union Ushers Board
State of California Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A220-526.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Warden. Passed
by the following vote: Mathis-yea, Wear-yea, Kehoe-yea,
Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea,
Vargas-yea, Mayor Golding-not present.

* ITEM-109:

SUBJECT: Help For the Asking Day.

COUNCILMEMBER VARGAS'S RECOMMENDATION:

Adopt the following resolution:

(R-96-851) ADOPTED AS RESOLUTION R-286915

Proclaiming Wednesday, February 14, 1996 to be "Help
For The Asking Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A220-526.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Warden. Passed
by the following vote: Mathis-yea, Wear-yea, Kehoe-yea,
Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea,
Vargas-yea, Mayor Golding-not present.

* ITEM-110: RETURNED TO CITY MANAGER

SUBJECT: Establishing a Tow-Away Zone on the South Side of the
400 Block of University Avenue.

(Uptown Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-842)

Establishing a tow-away zone from 3:30 p.m. through
6:30 p.m. Monday through Friday on the south side of
the 400 block of University Avenue.

CITY MANAGER SUPPORTING INFORMATION:

This action will establish a tow-away zone from 3:30 p.m. through
6:30 p.m. Monday through Friday in the parking lane on the south
side of 400 University Avenue. The parking lane will become a
travel lane to relieve congestion during the afternoon commute.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A220-526.)

CONSENT MOTION BY KEHOE TO RETURN TO CITY MANAGER AT HIS
REQUEST FOR FURTHER DISCUSSION. Second by Warden. Passed
by the following vote: Mathis-yea, Wear-yea, Kehoe-yea,
Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea,
Vargas-yea, Mayor Golding-not present.

* ITEM-111:

SUBJECT: Agreement with ASL Consulting Engineers for Engineering
Services for the Rehabilitation of San Carlos
Reservoir.

(Navajo Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-872) ADOPTED AS RESOLUTION R-286916

Authorizing an agreement with ASL Consulting Engineers
(San Diego), for professional services in connection
with the rehabilitation of San Carlos Reservoir;

Authorizing the expenditure of not to exceed \$195,314
from Water Revenue Fund 41500, CIP-73-277.0, Annual
Allocation - Standpipes & Reservoir Restorations.

CITY MANAGER SUPPORTING INFORMATION:

San Carlos Reservoir (SCR) was constructed in 1965 and services
approximately 2,800 acres of residential and commercial
properties in the San Carlos area. The circular reservoir is an
above ground prestressed concrete tank (with a reinforced
concrete domed roof) measuring 160-feet in diameter and 34-feet
high. The reservoir holds up to 5 million gallons of potable
water. This project has been mandated by the State of California
Department of Health Services as part of Compliance Agreement No.
04-14-94C0-004 dated August 16, 1994. This contract will provide
construction documents for a full rehabilitation of the reservoir
to meet current seismic standards and comply with the State of
California Department of Health Services requirements. Six firms
were selected by the City Consultant Nominating Committee. These

firms were interviewed on July 18, 1995, in conformance with Council Policy 300-7. ASL was selected as the best qualified to provide the consulting engineering services. The contract is for an amount not to exceed \$195,314. Sub-consultants on the project are: Simon Wong Engineering (1 percent MBE), Independent Check - \$2,000; Carroll, Chapin & Arevalo (4 percent WBE), Geotechnical Engineering - \$6,359; Moraes/Pham & Associates (4 percent MBE), Electrical & Telemetry - \$6,665; Schmidt Design Group, Landscape Architect (2 percent) - \$3,825; PSG Corrosion Engineering, Corrosion (4 percent) - \$7,500; KEA Environmental, Inc., Environmental (3 percent) - \$4,500. By entering into this agreement, ASL Consulting Engineers, Inc. (ASL) will provide engineering services for the full rehabilitation of San Carlos Reservoir including specialized services such as investigations of the seismic, structural, corrosion, environmental, and geotechnical issues associated with the project.

Aud. Cert. 9600814.

WWF-96-219.

FILE LOCATION: MEET CCONT FY96-1

COUNCIL ACTION: (Tape location: A220-526.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-nay, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-112:

SUBJECT: Utility Agreement Nos. 29199 and 29201 between the State of California and the City of San Diego.

(Mid-City Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-868) ADOPTED AS RESOLUTION R-286917

Authorizing Utility Agreements with the State of California, Department of Transportation, for the relocation and adjustment of sewer and water main facilities within the I-15/40th Street Highway Improvement Project (Phase II);

Authorizing the expenditure of not to exceed \$265,400 from Sewer Revenue Fund 41506, CIP-46-153.0, 40th Street/Interstate 15 Utilities Relocation, to provide funds for Utility Agreement No. 29199; authorizing the expenditure of not to exceed \$1,115,700 from Water Revenue Fund 41500, CIP-73-293.0, 40th Street/Interstate 15 Utilities Relocation, to provide funds for Utility Agreement No. 29201;

Authorizing the use of City Forces to cut and plug existing water lines, install valves, perform required testing and operational checks; declaring the cost of the work is not to exceed \$251,000.

CITY MANAGER SUPPORTING INFORMATION:

The State Department of Transportation has determined that portions of existing water mains and portions of existing sewer mains are in conflict with the I-15/40th Street Highway Improvement Project (Phase II). The two separate agreements will provide financing for the relocation of the conflicting water and sewer mains. All relocation work, except for a small amount of work by City forces shall be done by the State's contractor. Under these agreements, the State shall fund all of the relocation work, except for betterment and depreciation. Betterment consists of 567 feet of a new 48-inch water main, 706 feet of a new 8-inch sewer main, and 644 feet of an upgrade of pipe size from 6-inch to 8-inch sewer main. The new 48-inch water main will provide water facilities crossing Interstate 15 to accommodate future projects. The betterment of the sewer mains is to replace existing deficient sewer systems. Each agency shall fund the utilities engineering work, proportional to their cost responsibility for the construction costs.

Aud. Cert. 9600805.

WWF-96-201.

FILE LOCATION: WATER-State of California, Department of
Transportation, Utility Agreement Nos. 29199
and 29201 CONTFY96-2

COUNCIL ACTION: (Tape location: A414-430; D014-028.)

MOTION BY KEHOE TO ADOPT. Second by Stevens. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-113:

SUBJECT: Utility Agreement No. 29490 with the State of California Department of Transportation for Relocation of a Water Main and Related Facilities.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-858) ADOPTED AS RESOLUTION R-286918

Authorizing Utility Agreement No. 29490 with the State of California Department of Transportation for the relocation of a water main and related facilities at State Route 125 and Jamacha Boulevard;
Authorizing the Auditor and Comptroller to transfer not to exceed \$78,163 within Water Revenue Fund 41500, from CIP-73-083.0, Annual Allocation - Water Main Replacement, to CIP-73-024.0, Annual Allocation - Freeway Relocation;

Authorizing the expenditure of not to exceed \$78,163 from Water Revenue Fund 41500, CIP-73-024.0, Annual Allocation - Freeway Relocation.

CITY MANAGER SUPPORTING INFORMATION:

The State of California Department of Transportation has determined that portions of existing water main facilities are in conflict with State Route 125 Improvement Project (Phase I). The City of San Diego as the owner of the existing water main facilities is responsible for the relocation work even though the pipeline exists outside of the City limits. The agreement will provide financing for the relocation of the conflicting water main facilities. All construction work, except for a small amount of work by City forces, shall be done by the State's Contractor. Under this agreement, the State shall fund 43

percent of the construction work and the City 57 percent. Each agency shall fund the utilities engineering work, proportional to their cost responsibility for the construction.

Aud. Cert. 9600801.

WWF-96-222.

FILE LOCATION: WATER-State of California Department of
Transportation, Utility Agreement No. 29490
CONTFY 96-1

COUNCIL ACTION: (Tape location: A414-430; D014-028.)

MOTION BY KEHOE TO ADOPT. Second by Stevens. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

* ITEM-114:

SUBJECT: Center for Women's Studies and Services Design and Renovation.

(Pacific Beach Community Area. Districts-2 and 6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-876) ADOPTED AS RESOLUTION R-286919

Authorizing an agreement with the Center for Women's Studies and Services, for design and renovation of their facility at 4508 Mission Bay Drive;

Authorizing the expenditure of an amount not to exceed \$66,000 from CDBG Fund 18528, Dept. 4023, Org. 2307, J.O. 112125, to provide funds for the above project.

CITY MANAGER SUPPORTING INFORMATION:

The Center for Women's Studies & Services is a non-profit organization located at 4508 Mission Bay Drive. This agency provides many critical services to underprivileged women,

predominantly in the low income group. These services include a 24-hour crisis hotline for victims of sexual assault and family violence; emergency safe shelter for battered women and their children; drop-in legal services; victim advocacy and accompaniment to the hospital or court setting; and prevention and education programs. The Center for Women's Studies & Services is proposing to renovate their existing office building. Renovation shall include interior remodel, parking lot resurfacing, and minor landscaping. On April 27, 1992, the City Council adopted Resolution R-279840 granting \$137,000 to renovate the Center's office at 2467 E Street and on January 18, 1994, Council adopted Resolution R-283289 authorizing the expenditure of \$137,000 for renovation and City administrative costs for this project (\$126,000 for renovation and \$11,000 for City Administrative costs). On May 9, 1994, City Council adopted Resolution R-283945 granting an additional \$110,000 of CDBG funding for the project. During design, the Agency determined that a better approach would be to locate a new facility and use the CDBG Funds to assist in the acquisition and renovation of the new facility. On September 11, 1995, City Council adopted Resolution R-286297 authorizing the expenditure of \$170,000 of CDBG Funds for acquisition of the new facility at 4508 Mission Bay Drive. This action will allow the \$66,000 to be used to renovate the new facility at 4508 Mission Bay Drive, \$62,500 for facility renovation and \$3,500 for City administrative costs.

Aud. Cert. 9600793.

FILE LOCATION: MEET CCONFY96-1

COUNCIL ACTION: (Tape location: A220-526.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

* ITEM-115:

SUBJECT: Agreement with the County of San Diego for Removal of Encroachments for the San Diego County Hall of Justice. (Centre City Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-875) ADOPTED AS RESOLUTION R-286920

Authorizing an agreement with the County of San Diego
for the removal of encroachments for the San Diego
County Hall of Justice.

CITY MANAGER SUPPORTING INFORMATION:

An Agreement for Removal of Encroachments at the San Diego County Hall of Justice is being entered into between the City of San Diego and the County of San Diego. The County desires to construct certain structures that will encroach in the public right-of-way. The three structures are described as:

1. Eight tiebacks under Union Street between "A" Street and "B" Street.
2. One utility vault below Union Street sidewalk.
3. Eleven H-piles below sidewalk on Union Street. If authorized by the City Council, these structures will be constructed by the County in accordance with the County building plans.

San Diego Municipal Code Section 62.0301 allows for encroachments in the public right-of-way if there is an approved Encroachment Removal Agreement. It is recommended that the Agreement for Removal of Encroachments be approved.

FILE LOCATION: MEET CONFY96-1

COUNCIL ACTION: (Tape location: A220-526.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

* ITEM-116:

SUBJECT: Amendment to the Agreement with Dudek and Associates, Inc., in connection with the Sorrento Valley Utilities Improvements Project.

(Torrey Pines Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-859) ADOPTED AS RESOLUTION R-286921

Authorizing an amendment to the agreement with Dudek and Associates, Inc., for environmental consultant services in connection with the Sorrento Valley Utilities Improvements Project;

Authorizing the expenditure of not to exceed \$135,300 from Fund-41500, CIP-70-910.1, Sorrento Valley Road Pipeline Relocation.

CITY MANAGER SUPPORTING INFORMATION:

The original agreement between the City and Dudek and Associates, Inc. for Environmental Consultant Services related to the Sorrento Valley Utilities Improvements Project was adopted September 13, 1993 via Resolution R-282616. The agreement was issued for \$430,002 from the Sewer Revenue Fund No. 41506, CIP-46-117 (Pump Station No. 65 Expansion and Forcemain) and CIP-46-122.0 (Carmel Valley Trunk Sewer Replacement) and the Water Revenue Fund No. 41502, CIP-70-910.1 (Sorrento Valley Road Pipeline Relocation). Amendment No. 1 is requested to increase the contract value by \$135,300 to \$565,302. Amendment No. 1 is requested due to the extended construction schedule, which has resulted in an increased monitoring period, and additional mitigation requirements placed on the project by the California Coastal Commission. These additional mitigation measures include the development of educational kiosks for Los Penasquitos Lagoon, the removal of 6 acres of giant reed from the lagoon, and the placement of lodgepole fencing the perimeter of the lagoon. The original agreement was executed prior to the issuance of these permits and the additional mitigation requirements were not originally anticipated.

MBE/WBE Utilization: In keeping with the City's policy to voluntarily provide subcontracting opportunities to all interested and qualified firms, including minorities and women, Dudek and Associates, Inc. has retained the following subconsultants as members of their engineering consultant team in connection with this project:

Certified Subconsultants:
MBE - KTU&A

Other Subconsultants:
PaleoServices

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MBE - Gallegos and Associates
WBE - Sycamore and Associates

Habitat Restoration
Sparks Exhibits
Coastal Resource
Skidmore Environmental

To date, Dudek and Associates has a 13 percent WBE utilization and a 17 percent MBE utilization for this contract. The original goal was 13 percent WBE and 17 percent MBE utilization. Aud. Cert. 9600787.

FILE LOCATION: MEET CCONFY96-1

COUNCIL ACTION: (Tape location: A220-526.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

*** ITEM-117:**

SUBJECT: Agreement with RBF/Sholders and Sanford for the South San Diego Reservoir Rehabilitation Project.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-785) ADOPTED AS RESOLUTION R-286922

Authorizing an agreement with RBF/Sholders and Sanford (San Diego), for engineering services for the South San Diego Reservoir Rehabilitation Project;

Authorizing the expenditure of not to exceed \$241,865 from Water Revenue Fund 41500, CIP-73-277.0, Annual Allocation - Standpipe & Reservoir Restorations.

CITY MANAGER SUPPORTING INFORMATION:

The South San Diego Reservoir was constructed in 1970. It primarily serves as the Otay Filtration Plant's treated water storage facility. The reservoir provides water to the South San

Diego Pipeline, and the Otay Second Pipeline. In January 1995, a report was compiled that evaluated the existing condition of the reservoir and recommended civil, structural and corrosion control improvements to meet the current seismic standards and comply with the Department of Health Services, Compliance Agreement No. 04-14-94CO-004. The scope of work also includes design of a dividing wall to the reservoir to facilitate repair and/or maintenance of the reservoir. Consultant engineering services are desirable due to the specialized expertise required for the project. A list of five consultants from the as-needed pump station list was provided by the City's Consultant Coordinator. The firms were interviewed on June 29, 1995, in accordance with Council Policy 300-7, and RBF/Sholders and Sanford was selected as the best qualified firm. Sub-consultants include Simon Wong (MBE), Structural Engineering Analysis and Design, \$99,990; The Corrao Group (WBE), Civil/Site Work and Otay Filtration Plant Coordination, \$17,490; Pacific Soils Engineering, Geotechnical Engineering, \$10,078. The MBE/WBE portion represents approximately 48.5 percent of the contract amount.

Aud. Cert. 9600745.

WWF-96-212.

FILE LOCATION: MEET CCONFY96-1

COUNCIL ACTION: (Tape location: A220-526.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-nay, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

* ITEM-118:

SUBJECT: Union of Pan Asian Communities Facility Reroofing.

(Golden Hill Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-878) ADOPTED AS RESOLUTION R-286923

Authorizing an agreement with Union of Pan Asian Communities (UPAC), for design and construction of its facilities at 1031 25th Street;

Authorizing the expenditure of not to exceed \$65,000 from CDBG Fund 18531, Dept. 4082, J.O. 112593;

Authorizing the Auditor and Comptroller, upon advice from the administering department, to retain budgeted funds, if any, in the project until completion.

CITY MANAGER SUPPORTING INFORMATION:

The Union of Pan Asian Communities (UPAC) is a multi-lingual, multi-ethnic non-profit organization established primarily to meet the existing and emerging needs of Asians, Pacific Islanders, and other ethnic communities in San Diego County. The primary purpose of UPAC is to improve the general well being and education of the Asian, Pacific Islanders and other ethnic communities. It provides health promotion information, disease prevention, communication and understanding, promotes affordable housing, provides technical assistance and supportive services for these communities. UPAC is proposing to replace its facility's existing roof that has developed extensive leaks and repair the heating, ventilation and air conditioning systems (HVAC). On May 1, 1995, Council adopted Resolution No. R-285685 granting \$65,000 of Fiscal Year 1996 CDBG Funds for this project. This action will allow the \$65,000 to be used for this purpose.

Aud. Cert. 9600795.

FILE LOCATION: MEET CCONFY96-1

COUNCIL ACTION: (Tape location: A220-526.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

* ITEM-119:

SUBJECT: Agreement with the Vietnamese Federation of San Diego

for Renovation of the San Diego Refugee Center.

(Linda Vista Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-877) ADOPTED AS RESOLUTION R-286924

Authorizing an agreement with the Vietnamese Federation
of San Diego for design and renovation of its facility
at 7833 Linda Vista Road;

Authorizing the expenditure of not to exceed \$29,000
from CDBG Fund No. 18531, Dept. 4082, J.O. 112596.

CITY MANAGER SUPPORTING INFORMATION:

The Vietnamese Federation of San Diego is a non-profit
organization that assists Vietnamese refugees to resettle in the
community. They provide the following services to the community:
Community cultural events, information and referral counseling
for senior citizens, after school tutoring for youth, document
translations, police-sheriff relations, and preservation of
Vietnamese culture. The Vietnamese Federation of San Diego is
proposing to design and renovate its existing cultural center.
On May 1, 1995, the City Council adopted Resolution R-285685
granting \$29,000 of Fiscal Year 1996 CDBG Funds for this project.
This action will allow the \$29,000 to be used for this project.
Aud. Cert. 9600798.

FILE LOCATION: MEET CCONFY96-1

COUNCIL ACTION: (Tape location: A220-526.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Warden. Passed
by the following vote: Mathis-yea, Wear-yea, Kehoe-yea,
Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea,
Vargas-yea, Mayor Golding-not present.

* ITEM-120:

SUBJECT: Contract Change Order No. 2 for Sewer Pump Station 61

Force Main.

(Kearny Mesa Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-860) ADOPTED AS RESOLUTION R-286925

Approving Change Order No. 2, issued in connection with
the contract with Drainage Construction Company, Inc.,
increasing the contract price by \$146,970;

Authorizing the expenditure of not to exceed \$169,000
from Sewer Revenue Fund 41506, CIP-44-001.0.

CITY MANAGER SUPPORTING INFORMATION:

On January 17, 1995, the City Council adopted a resolution
authorizing the City Manager to award a contract for construction
of the Sewer Pump Station 61 Force Main. The proposed force main
would supplement the existing Techite force main and provide dual
pumping capability at the Sewer Pump Station 61 in accordance
with the Water Utilities Department policy. This contract was
awarded in the amount of \$176,844 to Drainage Construction
Company on March 8, 1995. During construction of the new force
main in July 1995, it was discovered that the existing Techite
force main was leaking at several locations. The existing force
main is unreliable and poses a potential threat to the health and
safety of the public. To avoid regulatory fines, it was decided
to replace the existing force main as soon as possible.
Accordingly, the current construction contract with Drainage
Construction Company is being amended to include the replacement
of the Techite force main as Construction Change Order No. 2.

Aud. Cert. 9600781.

WWF-96-215.

FILE LOCATION: CONT-Drainage Construction Company, Inc.
CONTFY96-1

COUNCIL ACTION: (Tape location: A220-526.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-150: CONTINUED TO MARCH 4, 1996

SUBJECT: Amendments to Transient Occupancy Tax Council Policy
No. 100-03.

(See City Manager Report CMR-96-01.)

(Continued from the meeting of January 8, 1996, Item 114, at Councilmember Warden's request, to take back to the NRC&A Committee.)

NATURAL RESOURCES, CULTURE AND THE ARTS COMMITTEE'S
RECOMMENDATION:

On 1/31/96 NRC&A voted 5-0 to recommend that the Council continue the following item until the NRC&A Committee meeting of February 14, 1996 (Councilmembers Mathis, Kehoe, Warden, Stallings and McCarty voted yea):

(R-96-404)

Amending Council Policy No. 100-03 regarding the
Transient Occupancy Tax.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A220-526.)

CONSENT MOTION BY KEHOE TO CONTINUE TO MARCH 4, 1996 AS REQUESTED BY COUNCILMEMBER WARDEN TO BE HEARD AT THE NEXT NRC&A COMMITTEE MEETING. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-200: INTRODUCED, TO BE ADOPTED MARCH 4, 1996

SUBJECT: First Amendment to Lease Agreement with The Lodge at
Torrey Pines Partnership.

(La Jolla Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-96-109)

Introduction of an Ordinance authorizing a first
amendment to the lease agreement with the Lodge at
Torrey Pines Partnership, which adds approximately two
acres to the leasehold area.

CITY MANAGER SUPPORTING INFORMATION:

In June 1995, Evans Hotels acquired the Torrey Pines Inn
leasehold and entered into a new 40-year lease of the property
from the City. Evans Hotels now proposes to amend the lease
agreement to revise the boundaries of the leasehold and to set
forth the terms and conditions of golf course parking on the
leasehold. The boundary adjustment will add two acres to the
leased premises by: 1) Extending the westerly boundary to match
the boundary line of the adjacent Sheraton Hotel leasehold, and
2) Extending the easterly boundary to incorporate an unneeded
access road and an auxiliary, seldom-used golf course parking
lot. The additional area will be used mainly for parking and to
allow for possible future hotel expansion. The lessee will
institute pay parking, as the adjacent Sheraton Hotel has done,
and pay the City 10 percent of gross parking revenues. On days
of regular play, 40 of the 94 parking spaces in the overflow lot
and along the access road will be reserved for golfers at no
charge; all 94 spaces during tournaments will be reserved for
participants at no charge. Park and Recreation staff determined
that the number of reserved spaces is ample and that this lease
amendment will not result in any shortage of free parking spaces
for golfers. Any future hotel expansion will be considered when
it is proposed, and this amendment in no way obligates the City
to approve any expansion. The Golf Division of Park and
Recreation concurs with this amendment, and the Golf Advisory
Council has no objection to it.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A220-526.)

CONSENT MOTION BY KEHOE TO INTRODUCE THE ORDINANCE. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-201: RETURNED TO PERSONNEL MANAGER, TO BE BROUGHT BACK
 WITH SALARY ORDINANCE

SUBJECT: Salary Setting Commission Report on Mayor and
 Councilmembers Salary Recommendations.

PERSONNEL DIRECTOR'S RECOMMENDATION:

Adopt the following resolution:

(R-96-815)

Approving the determination and recommendations of the
Salary Setting Commission, as contained in its letter
of recommendation to the Mayor and Council, dated
January 30, 1996;

Directing the City Attorney to incorporate the
Commission's recommendations in the Annual Salary
Ordinance.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A526-B569.)

Motion by McCarty to approve a three percent increase this
year and a three percent increase next year. Second by
Warden. Vote not taken.

SUBSTITUTE MOTION BY MATHIS TO DEFER A FINAL DECISION UNTIL
COUNCIL LOOKS AT THE BUDGET PROJECTIONS AND THEN BRING IT
BACK WITH THE SALARY ORDINANCE. Second by Kehoe.
Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Stallings-yea,
McCarty-yea, Vargas-nay, Mayor Golding-not present.

ITEM-202:

SUBJECT: Inviting Bids for Scripps Poway Parkway
Subsystem-Reclaimed Water Distribution System.

(Miramar Ranch North Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-802) ADOPTED AS RESOLUTION R-286926

Inviting bids for Scripps Poway Parkway
Subsystem-Reclaimed Water Distribution System on Work
Order No. 197831;

Authorizing the City Manager to establish contract
funding phases with the lowest responsible bidder based
on the actual low bid submitted;

Authorizing a contract with the lowest responsible
bidder, provided that the City Auditor first furnishes
a certificate demonstrating that the funds for the
contract are, or will be on deposit in the City
Treasury;

Authorizing the expenditure of \$2,564,359, from Water
Fund No. 41500, CIP-70-921.0, Scripps Poway Parkway
Subsystem, for the purpose of providing funds for the
project construction, contingency and related costs,
provided that the City Auditor first furnishes a
certificate demonstrating that the funds necessary for
the contract funding phases are, or will be, on
deposit in the City Treasury;

Authorizing the City Auditor and Comptroller, upon
advice from the administering department, to transfer
excess budgeted funds, if any, to the appropriate
reserves;

Amending the FY 1996 Budget Ordinance to increase total
appropriations in the Water Operating Fund 41500 by
\$1,000,000;

Authorizing the transfer of \$1,000,000 to CIP-70-921.0,
from the Unappropriated Fund balance in Fund 41500.

(BID-K96114)

CITY MANAGER SUPPORTING INFORMATION:

The Northern Reclaimed Water Distribution System will convey reclaimed water produced at the North City Water Reclamation Plant (NCWRP) to approximately 300 customers. The distribution system has been divided into nine construction packages in order to maximize the participation of the local contractors. The Scripps Poway Parkway Subsystem is one of the nine packages. This package consists of three segments totaling approximately 14,900 LF of 4" to 18" pipelines, and the work is scheduled to be completed within 305 calendar days. The 18" pipeline begins at the intersection of I-15 and Scripps Poway Parkway, running easterly for approximately 11,500 lineal feet, terminating near the City of San Diego/City of Poway boundary. The second segment, 4" pipeline, starts at the intersection of Scripps Poway Parkway and Spring Canyon Road and continues southerly along Spring Canyon Road for approximately 2,200 lineal feet. The third segment, 4" pipeline, starts at the intersection of Scripps Poway Parkway and Scripps Creek Drive and continues southerly along Scripps Creek Drive for approximately 1,200 lineal feet. The project is included in the Interim Order of August 28, 1994, issued by the U.S. Federal Court. At this time only approval of the plans and specifications, authorizing for advertisement and award for construction of Package "E" (Scripps Poway Parkway) is requested.

Aud. Cert. 9600774.

FILE LOCATION: W.O. 197831; CONT-Mladen Buntich Construction
Co. Inc. CONTFY96-1

COUNCIL ACTION: (Tape location: A220-526.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-203:

SUBJECT: Declaring a Continued State of Emergency regarding the Discharge of Raw Sewage from Tijuana, Mexico.

(San Ysidro and Tijuana River Valley Community Areas.
District-8.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-96-869) ADOPTED AS RESOLUTION R-286927

Declaring a continued State of Emergency regarding the
discharge of raw sewage from Tijuana, Mexico.

SUPPORTING INFORMATION:

For more than 60 years, raw sewage from the Republic of Mexico has flowed unabated into the United States plaguing the residents of San Diego. This flow is a serious threat to the region, creating health hazards, forcing the closure of beaches and impacting local businesses. For this reason, the City Council has continued to declare a State of Emergency in the Tijuana River Valley. The solution to this long standing problem is the construction of the International Treatment Facilities. The facilities consist of a 25 million gallon per day (mgd) secondary treatment plant in the United States, canyon collectors in Goat Canyon and Smuggler's Gulch to collect renegade sewage, and the South Bay Ocean Outfall. The status of these projects is as follows:

SOUTH BAY INTERNATIONAL WASTEWATER TREATMENT PLANT

- A. Construction Contract 1 (CC-1) - Site Preparation.
Construction: Completed February 23, 1995 at a cost of \$4,873,615.
- B. Construction Contract 2 (CC-2) - Advanced Primary Facilities.
Construction: June 1995 - February 1997.
The construction is proceeding on schedule. Rebar placement, electrical conduit installation, and formwork are ongoing for all major structures. Concrete foundations and lower walls have been placed and backfilled for many of the below-ground structures. The foundation and majority of walls have been placed for the primary sedimentation tanks. The foundation for the personnel building has been placed. The foundation for the perimeter fence has been placed around the entire perimeter. Approximately 2/3 of the columns have been placed along the north perimeter of the site. Excavation for the 96" influent line has been

completed from the headworks to Junction Structure No. 2. The 20' drain line from Canyon del Sol interceptor has been installed along Monument Road.

C. Construction Contract 3 (CC-3) - Secondary Treatment Facilities.

Design: December 1993 - January 1996

Construction: On-hold

This project is on hold pending the completion of a Supplemental Environmental Impact Statement (SEIS) and a decision on the best alternative method for secondary treatment. A draft SEIS is expected to be released for public review in August 1996.

D. Construction Contract 4 (CC-4) - Collection System.

Design: December 1993 - March 1996

Bid Solicitation: April 1996 - July 1996

Construction: August 1996 - August 1997

Design is proceeding.

E. Funding for the International Treatment Facilities.

While construction of the advanced primary plant is proceeding on schedule a larger and more serious problem is at hand with the budget for the project. Overall, Congress has appropriated \$239 million for the construction of the International Treatment Facilities. Based upon current construction estimates, the federal government has enough funds to complete the construction of the advanced primary plant, their share of the ocean outfall and the canyon collectors. There is a \$39 million deficiency in funding for the completion of the secondary portion of the treatment plant, which is estimated at \$69 million. Additionally, due to the current federal budget problems, the International Boundary and Water Commission (IBWC) does not have the funding available to issue the requests for proposal for contractors to operate the International Treatment Plant, which is scheduled to come on line in early 1997. The IBWC projects that they will need approximately \$300,000 in FY 1996 to begin the procurement process for a contractor and \$15 million in FY 1997 and every year thereafter to operate the plant. Also, the IBWC is currently using the Tijuana Emergency Connection to convey Mexican sewage to Point Loma for treatment. The average flow has been approximately 5 million gallons per day.

Currently, the IBWC is up to date in their reimbursement to the City for the use of the emergency connection, however, the IBWC projects that they will run out of FY 1996 funds to reimburse the City by the end of March 1996. The City

currently charges the IBWC \$1,099 per million gallon treated. At a rate of 5 million gallons per day, this is equivalent to \$164,800 per month, or a shortfall of \$988,800 by the end of FY 1996. Funding is also needed in FY 1997, as use of the emergency connection is one of the leading alternatives for interim discharge from the advanced primary plant until the South Bay Ocean Outfall is completed. The IBWC has requested any assistance that the City can provide in lobbying Congress to appropriate the necessary funding to complete the construction of the International Treatment Facilities and to properly operate and maintain these facilities.

SOUTH BAY OCEAN OUTFALL

On June 29, 1995, the Surfriders Foundation initiated a lawsuit against the City of San Diego requesting that the City Council's May 22, 1995 approval of the Environmental Impact Report for the South Bay Ocean Outfall be set aside. The law firm of McCutcheon Doyle is handling this lawsuit for the City. A hearing was held on January 24, 1996. The judge is expected to make a ruling on this case on January 30, 1996.

A. Package 1 - Special Structures.

Bid Solicitation: November 2, 1995 - January 9, 1996

Construction: April 1996 - July 1997

The bids for this project were opened on January 9, 1996.

The apparent low bidder is Colich and Sons with a bid of \$9,950,000. This bid is 37 percent higher than the engineers' estimate of \$7,273,000. A request for additional funding will be heard by City Council on March 4, 1996. The notice of intent to award is expected to be issued by the end of March, with a notice to proceed by the end of April.

B. Package 2 - Tunnel.

Construction Contractor: Traylor Brothers/Obayashi

Bid: \$88,285,000

Construction: September 1995 - May 1998

Startup: June 1998

The contractor is drilling freeze holes 24 hours per day, seven days per week for the ground freezing operation for the installation of the drop shaft. The freeze holes are 85 percent complete. Following completion of the freeze holes, the ground freezing operation will take six weeks. The drop shaft is scheduled to be completed by June 1996. The tunnel boring machine is scheduled to be delivered by May 1996.

C. Package 3 - Marine Works.

Construction Contractor: Fletcher General, Inc.

Bid: \$36,442,000

Construction: November 1995 - October 1997
A Notice to Proceed was issued on January 5, 1996. The
mobilization schedule is currently under review. The
contractor is scheduled to be on-site by May 1996 and the
marine work is scheduled to begin in June.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B570-C410.)

MOTION BY WEAR TO ADOPT. Second by Stevens. Passed by the
following vote: Mathis-yea, Wear-yea, Kehoe-yea,
Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea,
Vargas-yea, Mayor Golding-not present.

NON-DOCKET ITEMS:
None.

ADJOURNMENT:

The meeting was adjourned by Deputy Mayor Stallings at
4:20 p.m. in memory of Gordon C. Cornell and Rebecca
Archer as requested by Councilmember Wear and in memory
of Joey Lauderbach and Michael Ibs Gonzalez as
requested by City Attorney John Witt.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: D028-041).